

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 213  
Committee Substitute Favorable 4/21/21  
PROPOSED COMMITTEE SUBSTITUTE H213-CSSA-25 [v.2]  
5/9/2021 12:44:15 PM

Short Title: Kelsey Smith Act.

(Public)

Sponsors:

Referred to:

March 4, 2021

A BILL TO BE ENTITLED  
AN ACT TO AUTHORIZE THE PROVISION OF TELECOMMUNICATIONS DEVICE  
LOCATION INFORMATION TO LAW ENFORCEMENT UNDER CERTAIN  
EMERGENCY CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

**SECTION 1.** This act shall be known as the Kelsey Smith Act.

**SECTION 2.** Chapter 15A of the General Statutes is amended by adding a new  
Article to read:

"Article 16C.

"Provision of Wireless Call Location Data to Law Enforcement.

**"§ 15A-300.10. Provision of call location data by wireless service provider to law  
enforcement.**

(a) The following definitions apply in this section:

(1) Call location data. – Global positioning system, triangulation, and per-call  
measurement data indicating the location of a telecommunications device.  
Call location data does not include the contents of any communication made  
using a telecommunications device.

(2) Imminent. – With respect to a risk of death or serious physical harm, means  
that the length of time necessary to comply with otherwise applicable  
provisions of law pertaining to obtaining authorization for electronic  
surveillance would, in the professional judgment of the law enforcement  
agency based upon generally accepted surveillance and investigation  
protocols, significantly reduce the chance of preventing death or serious  
physical harm.

(3) Public safety answering point. – Defined in G.S. 143B-1400.

(4) Wireless service provider. – A commercial mobile radio service provider, as  
defined in G.S. 143B-1400, including providers of subscription-based,  
in-vehicle security service.

(b) Upon request of the highest ranking person on duty for the law enforcement agency  
or a public safety answering point on behalf of a law enforcement agency, a wireless service  
provider shall provide call location data concerning the telecommunications device of a user to  
the requesting law enforcement agency or public safety answering point. The highest ranking  
person on duty for the law enforcement agency or public safety answering point may request data  
under this section only in an emergency situation that involves an imminent risk of death or  
serious physical harm at the time of the request and may only request the amount of data



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1 reasonably necessary to prevent the imminent death or serious physical harm. Call location data  
2 obtained pursuant to this section is not admissible as evidence in a criminal prosecution unless a  
3 finding of emergency circumstances has been made pursuant to G.S. 15A-300.11 or the data is  
4 otherwise admissible under another law or exception.

5 (b) Within 72 hours of requesting call location data from a wireless service provider, the  
6 law enforcement agency that requested the call location data, or on whose behalf call location  
7 data was requested, shall apply for an order pursuant to G.S. 15A-300.11.

8 (c) A wireless service provider may establish procedures for voluntary disclosure of call  
9 location data.

10 (d) A civil or criminal action may not be brought in any court against any wireless service  
11 provider or any other person for providing call location data if the provider acted in good-faith  
12 reliance upon the representations of the law enforcement agency or public safety answering point  
13 and as required by this section.

14 (e) All wireless service providers registered to do business in the State shall submit  
15 emergency contact information to the State Bureau of Investigation in order to facilitate requests  
16 from law enforcement agencies for call location data. This information must be submitted  
17 annually by June 15 or immediately upon any change in emergency contact information.

18 (f) The State Bureau of Investigation shall maintain a database containing emergency  
19 contact information for all wireless service providers registered to do business in the State and  
20 shall make the information readily available upon request to all public safety answering points  
21 located in the State.

22 **"§ 15A-300.11. Order approving release of call location data.**

23 (a) A law enforcement agency that requests call location data pursuant to  
24 G.S. 15A-300.10, or on whose behalf call location data has been requested, shall apply to the  
25 superior court for an order approving the release of call location data due to the existence of  
26 emergency circumstances. A superior court judge may enter an ex parte order approving the  
27 release of call location data if the judge finds that, at the time of the request for call location data,  
28 both of the following conditions were met:

29 (1) An emergency situation that involved an imminent risk of death or serious  
30 physical harm existed.

31 (2) Only the amount of data reasonably necessary to prevent the imminent death  
32 or serious physical harm was requested.

33 (b) Application to the superior court pursuant to this section must be made within 72  
34 hours of the initial request for call information data from a wireless service provider."

35 **SECTION 3.** This act becomes effective July 1, 2021.